



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

## **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2405731  
**Applicant Name :** Brittani Ard  
**Address of Proposal:** 464 North 43<sup>rd</sup> Street

### **SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original lot and not to each of the new unit lots. A related building permit has been approved and issued for the construction of a single-family residence and a two-unit townhouse structure and the demolition of an existing single-family residence (Project #2405658).

The following approval is required:

**Short Subdivision** - to create three unit lots.  
(SMC Chapter 23.24)

### **BACKGROUND DATA**

**Location:** The subject site is located on the north side of North 43<sup>rd</sup> Street, on the block bounded by Dayton Avenue North to the east and Francis Avenue North to the west.

**Zoning:** Residential, Multi-family, Lowrise 1 (“L1”).

**Uses on site:** Single-family residence (to be demolished). Two townhouse units and a single-family residence to be constructed (Project #2405658).

Substantive site characteristics: The parent lot is mostly flat with an approximately three-foot high rockery along the south property line. North 43<sup>rd</sup> Street is paved, and its street frontage has been improved with curb, gutter, and sidewalk.

Area characteristics: Properties along the north side of North 43<sup>rd</sup> Street are zoned L1 and are primarily developed with single-family residences. Properties across from the subject site on the south side of North 43<sup>rd</sup> Street are zoned Residential, Multi-family, Lowrise Duplex/Triplex ("LDT") and are developed with a multi-family residence and a single-family residence. A Residential, Single-family, 5,000 ("SF 5000") zone is located along the south side of North 43<sup>rd</sup> Street approximately 50 feet west of the subject site.

Public Comment: One public comment letter was received during the comment period which ended October 13, 2004. The letter raised concerns that the unit lot subdivision would create a nonconformity to lot coverage standards. Lot coverage standards were reviewed under the related building permit (Project #2405658), and the unit lot subdivision does not affect lot coverage standards for the parent lot.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

### **Summary - Short Subdivision**

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code, and would be consistent with applicable development standards. As proposed and conditioned, this short subdivision would be provided with vehicular access (including emergency vehicles), pedestrian access, and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured,

subject to standard conditions governing utility extensions. Because the proposal site is not located in an environmentally critical area SMC 25.09.240 is not applicable. Furthermore, the proposed short subdivision would not impact the retention of existing trees. Finally, the public use and interest would be served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

### **ANALYSIS –UNIT LOT SUBDIVISION**

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing developments, residential cluster developments, or single-family residences. Section 23.24.045 requires the following:

- A. The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

### **Summary - Unit Lot Subdivision**

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045, subject to the conditions imposed at the end of this decision. The

proposed development would consist of townhouses and a single-family residence. The structures, as reviewed under a separate building permit (DPD Project #2405658), conform to the development standards at the time the permit application was vested.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included Note #4 on the face of the plat that reads as follows: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."* In addition, a common maintenance agreement has been added to the face of the plat. Parking and open space would be provided on each unit lot.

### **DECISION – UNIT LOT SUBDIVISION**

The proposed Unit Lot Subdivision is **CONDITIONALLY APPROVED**.

### **CONDITIONS – UNIT LOT SUBDIVISION**

#### **Conditions of Approval Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. As applicable, add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page \_\_\_\_ of \_\_\_\_."
2. Correct the legal description for Unit Lot A as provided on Sheet 5 of 7 to indicate that the north property line is 50.01 feet in length (not 25.00 feet).
3. On Sheet 6 of 7, update the language of the required Seattle City Light Easement as specified by City Light.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Submit the recording fee and final recording forms for approval.

Signature: (signature on file) Date: December 23, 2004  
Leslie C. Clark, AICP,  
Land Use Planner

LCC:rgc

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